



UP Board of Madarsa Education Act, 2004

For Prelims: [Secularism](#), [Fundamental Rights](#), [Right to Education \(RTE\) Act, 2009](#), [Sarva Shiksha Abhiyan](#), [PM SHRI Schools](#)

For Mains: Education, Government Policies & Interventions, Issues Arising Out of Design & Implementation of Policies

Source: [IE](#)

Why in News?

The Allahabad **High Court (HC)** has struck down the **Uttar Pradesh Board of Madarsa Education Act, 2004**, as **unconstitutional**.

What is the Uttar Pradesh Board of Madarsa Education Act, 2004?

▪ Overview of the Act:

- The Act aimed to regulate and govern the functioning of **madrasas (Islamic educational institutions)** in the state of Uttar Pradesh.
 - It provided a framework for the establishment, recognition, curriculum, and administration of madrasas across Uttar Pradesh.
 - Under this Act, the **Uttar Pradesh Board of Madarsa Education** was established to oversee and supervise the activities of madrasas in the state.

▪ Concerns Regarding the Act:

◦ Constitutional Violation:

- The act has been deemed **unconstitutional by the Allahabad HC**, as it **promotes education segregated along religious lines**, contradicting the [principle of secularism](#) enshrined in the Indian Constitution and [fundamental rights](#).
- The Act's provisions were criticised for failing to **ensure quality compulsory education up to the age of 14 years**, as mandated by [Article 21 A of the Constitution](#).
- Concerns were raised regarding the exclusion of madrasas from the [Right to Education \(RTE\) Act, 2009](#) potentially depriving students of **universal and quality school education**.

◦ Limited Curriculum:

- Upon examination of madrasa syllabi, the court noted a curriculum **heavily focused on Islamic studies**, with limited emphasis on modern subjects.
- Students were required to **study Islam** and its doctrines to progress, **with modern subjects** often included as optional or offered minimally.

◦ Conflict with Higher Education Standards:

- The Act was deemed to conflict with **Section 22 of the [University Grants Commission \(UGC\) Act, 1956](#)**, raising questions about its compatibility with [higher education standards](#).

▪ **High Court Ruling:**

- The Allahabad HC declared the **Uttar Pradesh Board of Madarsa Education Act, 2004** unconstitutional due to violations of secular principles and fundamental rights.
 - It directed the **state government to accommodate madrasa students in recognised regular schools** and raised concerns about the limited curriculum focused on Islamic studies.
- The ruling highlighted potential adverse effects on students' access to quality education and prompted legal arguments regarding constitutional violations.

What are the Constitutional Provisions Regarding Education in India?

Provisions	Article
The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years	Article 45
The 86th Constitutional Amendment Act of 2002 , provided the Right to Education as a fundamental right in Part III of the Constitution and made education a fundamental right for children between the ages of six and fourteen.	Article 21A
Promotion of education and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections of the people.	Article 46
Freedom to attend religious education in certain educational institutions established under an endowment or trust and administered by the state.	Article 28
Education of minorities, protection of interests of minorities	Article 29
Right of minorities to establish and administer educational institutions	Article 30
Parents and guardians must provide educational opportunities for their children between the ages of 6 and 14.	Article 51A(k)

What are the Initiatives Related to Education?

- [Sarva Shiksha Abhiyan \(SSA\)](#)
- [Rashtriya Madhyamik Shiksha Abhiyan.](#)
- [Rashtriya Uchhatar Shiksha Abhiyan \(RUSA\)](#)
- [National Programme on Technology Enhanced Learning.](#)
- [PRAGYATA](#)
- [Mid-Day Meal Scheme](#)
- [Beti Bachao Beti Padhao](#)
- [PM SHRI Schools](#)

Drishhti Mains Question:

Q. Analyse the challenges arising from the design and implementation of government policies in the education sector.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Which of the following provisions of the Constitution does India have a bearing on Education? (2012)

1. Directive Principles of State Policy
2. Rural and Urban Local Bodies
3. Fifth Schedule
4. Sixth Schedule
5. Seventh Schedule

Select the correct answer using the codes given below:

- (a) 1 and 2 only
- (b) 3, 4 and 5 only
- (c) 1, 2 and 5 only
- (d) 1, 2, 3, 4 and 5

Ans- (d)

Mains

Q1. How have digital initiatives in India contributed to the functioning of the education system in the country? Elaborate on your answer. **(2020)**

Q2. Discuss the main objectives of Population Education and point out the measures to achieve them in India in detail. **(2021)**

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